

and was not effective at the time said cigarettes were introduced into interstate commerce; and it is further

"ORDERED, ADJUDGED, and DECREED that the articles under seizure be, and they hereby are, condemned pursuant to 21 U.S.C. 334(a); and it is further

"ORDERED, ADJUDGED, and DECREED that the United States Marshal for this District shall destroy all of the articles under seizure in this proceeding, and make his return to the Clerk of this Court; and it is further

"ORDERED, ADJUDGED, and DECREED that the claimant, Cornell Drug Corporation, shall pay all costs of this proceeding which are taxable under 21 U.S.C. 334(e) and under general principles of law, in the sum of _____."

6306. Trim Reducing-Aid cigarettes. (F.D.C. No. 42221. S. No. 15-233 P.)

QUANTITY: 14 shipping cases, each containing 30 bulk ctns., each bulk ctn. containing 10 retail pkgs. of 20 cigarettes each, at Cleveland, Ohio.

SHIPPED: 8-22-58 and 9-8-58, by Cornell Drug Corp., New York, N.Y.

LABEL IN PART: (Retail pkg.) "Trim Reducing-Aid Cigarettes Filter Tip-20."

ACCOMPANYING LABELING: Placards reading in part "Overweight," "No diet No exercise" and "Trim Reducing-Aid Cigarettes * * * Clinically Tested."

LIBELED: 10-9-58, N. Dist. Ohio.

CHARGE: 502(a)—when shipped and while held for sale, the labeling of the article contained the same false and misleading statements that were in the labeling of the article involved in the case reported above in notice of judgment No. 6304; 502(b)(1)—the article failed to bear a label containing the place of business of the manufacturer, packer, or distributor; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to the law was not effective with respect to the drug.

DISPOSITION: On 12-12-58, the Cornell Drug Corp., appeared as claimant and filed an answer denying that the article was misbranded, or a new drug. Thereafter, the Government filed written interrogatories which the claimant failed to answer, and on 6-18-59, a default decree was entered providing for condemnation and ordering the destruction of the article. Execution of the decree was stayed pending adjudication of a similar case pending in the District of New Jersey (see notice of judgment No. 6304). Following the entry of a decree of condemnation and destruction in the New Jersey case, the article in this case was destroyed.

6307. Trim Reducing-Aid cigarettes. (F.D.C. No. 42261. S. No. 22-017 P.)

QUANTITY: 487 bulk ctns., each containing 1 display ctn. containing 10 retail pkgs. of 20 cigarettes each, at Kansas City, Kans.

SHIPPED: 7-10-58 and 8-20-58, by Cornell Drug Corp., New York, N.Y.

LABEL IN PART: (Retail pkg.) "Trim Reducing-Aid Cigarettes Filter Tip-20."

LIBELED: 9-26-58, Dist. Kans.

CHARGE: 502(a)—when shipped and while held for sale, the labeling of the article contained the same false and misleading statements that were in the labeling of the article involved in the case reported above in notice of judgment No. 6304; 502(b)(1)—the article failed to bear a label containing the place of business of the manufacturer, packer, or distributor; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to the law was not effective with respect to the drug.